

**REMARKS**

In accordance with the foregoing, no claims have been amended, and no claims have been added. No new matter is being presented, and approval and entry are respectfully requested.

Claims 1-24 are pending in the present application. Claims 1, 10, 19, 23, and 24 are the independent claims. Reconsideration is respectfully requested.

**EXAMINER INTERVIEW**

Applicant would like to thank Examiner Shibru for her time and discretion in granting the Examiner Interview conducted on February 5, 2008. In light of the remarks discussed at the Examiner's Interview, Applicant herein submits the following remarks and requests a withdrawal of the finality of the outstanding Office Action.

**REJECTION UNDER 35 U.S.C. § 102(e)**

Claims 1-4, 6-7, 9-13, 15-16 and 18-24 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Publication No. 2001/0043784 by Shirata et al. (Shirata).

**The Shirata Prior Art Reference**

Shirata describes a picture quality adjustment method that keeps track of picture quality adjustment data for each unique disk ID read by a disk player. If a disk ID for an inserted disk is not currently stored in the memory of the disk player, the user can store in a memory picture quality adjustment data for that particular disk ID for that particular disk. Also, picture quality adjustment data can be stored in a memory for each video program that is saved on the disk.

**Claims 1-4, 6-7, 15-16 and 18-24 Patentably Distinguish Over The Prior Art**

Discussion at the Examiner Interview focused on claim 10 which is discussed below, however Applicant herein also first submits remarks regarding claim 1, hereby reviewing arguments of similar features, presented by Applicant's representative at the Examiner Interview.

Independent claim 1 at least recites, "accessing one of one or more video patterns stored in a memory of the DVD player, displaying the accessed video pattern on a display, and adjusting the display while checking the displayed video pattern which provides the user with information regarding the adjustment."

The Office Action, in the Response to Arguments, contends that the metadata of Shirata is displayed on the display device. Thus, the Office Action sets forth that "metadata" is the same as a video pattern. Applicant respectfully disagrees and submits rather that Shirata describes

displaying “the detection of metadata,” that is, the status of whether or not metadata is present for video content on a disk, is displayed, and not the metadata itself. See para. [0046] of Shirata.

Nowhere in Shirata is there any discussion or suggestion that metadata is displayed on the display device. “Metadata” is not video data and is not displayed on a screen. “Metadata” is defined by the Merriam-Webster Online Dictionary as “data that provides information about other data.” Therefore, “metadata” about video would provide information about the video but would not be video itself. “Metadata” can be used to render video, but Metadata itself is not displayed. As another example, if “metadata” were to be displayed, it would be a table of textual information itemizing the various details and information about a video, for example, but still this would not be video itself.

Accordingly, Shirata describes in para. [0048] that the picture quality adjustment data corresponding to the metadata from the second memory is read out, then the system controller executes picture quality adjustment in accordance with the thus read out picture quality adjustment data.

Thus the “metadata” of Shirata is not a “video pattern,” but characteristic data, such as average brightness and thus cannot be displayed, but as described above from para. [0048] of Shirata, can only be used simply to execute picture quality adjustment.

Again, the metadata of Shirata is not the video upon which adjustment is made, rather the pre-recorded video on a disk in Shirata is the video upon which the picture quality adjustment data is executed. In Shirata, metadata is not displayed, but rather referenced when displaying separate video data.

In contrast, claim 1 recites “displaying the accessed video pattern on the display; and adjusting the display while checking the displayed video pattern.” This recitation states that it is the video pattern on the display that is the video upon which adjustment is made. Thus, in addition to the above, the metadata of Shirata cannot be correlated with the claimed video patterns.

In view of the above, Applicant respectfully submits that claim 1 patentably distinguishes over the prior art.

In addition to the above, independent claim 10 at least similarly recites “a memory which stores at least one video pattern.” The Office Action appears to be interpreting this claimed feature with the first memory 27 and second memory 28 of FIGS. 1 and 2 of Shirata. Applicant

respectfully submits that the first memory 27 of Shirata merely stores picture quality adjustment data corresponding to a disk ID, and the second memory 28 merely stores picture quality adjustment data corresponding to metadata. See para. [0028] of Shirata.

Therefore, as picture quality adjustment data is not a video pattern, Applicant respectfully submits that Shirata fails to teach or suggest the claimed “memory which stores at least one video pattern.”

At the Examiner interview, Examiner Shibru remarked that further inquiry into Shirata would be required to determine whether the claimed “memory which stores at least one video pattern,” was met by the first memory 27 and second memory 28 of FIGS. 1 and 2 of Shirata.

In the alternative, the Examiner proposed that at least the “memory which stores at least one video pattern” may be met by the recording medium such as a disk which the DVD player of Shirata plays back. The Examiner proposed that a video pattern could be interpreted as consecutive images or still pictures frozen from a video.

First, Applicant respectfully submits that should such an alternate ground of rejection be made, the corresponding Office Action in which the rejection is made cannot be final, as this would be a new ground of rejection not based upon an amended feature of the claim.

Regarding such an alternative interpretation, it is respectfully submitted that Shirata still would fail to disclose or suggest the claimed “memory which stores at least one video pattern.”

Thus, Applicant respectfully submits that claim 10 patentably distinguishes over the cited art for at least the claimed “memory which stores at least one video pattern,” which is a non-amended feature of the claim, and therefore that the finality of the rejection against this claim be withdrawn.

Independent claims 19 and 23-24 at least recite similar features, with differing scope and breadth, and thus in view of the above reasons, Applicant respectfully submits that claims 19 and 23-24 and claims 2-3, 6-7, 9, 11-13, 15-16, 18 and 20-24 which depend therefrom also patentably distinguish over the prior art.

A withdrawal of the rejection against claims 1-4, 6-7, 9-13, 15-16 and 18-24 is respectfully requested.

#### REJECTION UNDER 35 U.S.C. § 103

Claims 5, 8, 14, and 17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Shirata in view of Official Notice. All rejections are respectfully traversed.

Applicant respectfully submits that Official Notice, in addition to being traversed, does not remedy the aforementioned deficiencies of Shirata. Thus claims 5, 8, 14 and 17 patentably distinguish over the proposed modification of Shirata in view of Official Notice for at least the aforementioned reasons provided regarding the independent claims upon which claims 5, 8, 14 and 17 depend from.

Further, as explained above, Shirata does not teach displaying a video pattern or video test pattern from memory, but rather effects automated picture adjustment of pre-recorded video content via a system controller.

Applicant submits that as Shirata is directed towards allowing a user to specify picture adjustments effected upon the content pre-recorded on a disk they are viewing, there is no need or reason to modify Shirata to include a video pattern of 10 levels of luminance, e.g., as this would not be content pre-recorded on a disk that users would want to watch. Shirata is focused on particularly not needing such a pattern.

Therefore, Applicant also respectfully submits that there is a lack of a reason to create the proposed modification of the teachings of Shirata with Official Notice.

Lastly, applicants respectfully request the Examiner provide a reference or Affidavit supporting the taking of Official Notice. Still further, applicant requests that the Examiner provide support in the record for the relied upon reason for modifying this purported known feature into Shirata.

A withdrawal of the rejection against claims 5, 8, 14, and 17 is respectfully requested.

### Conclusion

In view of the foregoing, Applicant respectfully submits that the independent claims patentably define the present invention over the citations of record. Further, the dependent claims should also be allowable for the same reasons as their respective base claims and further due to the additional features that they recite. Separate and individual consideration of the dependent claims is respectfully requested.

Applicant believes that the present request for withdrawal of finality is responsive to each of the points raised by the Examiner in the Official Action. However, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to such matters.

There being no further outstanding objections or rejections, it is submitted that the present application is in condition for allowance. An early action to that effect is courteously solicited.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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